

REMARKS

Claim 17 has been amended to correct a minor typographical error. Claims 1-11 and 15-20 are pending in the application. Applicant reserves the right to pursue the original and other claims in this and other applications. Applicant respectfully requests reconsideration in light of the following remarks.

Claims 1-11 and 15-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,235,585 (“Bish”). The rejection is respectfully traversed.

The present application relates generally to information recording/reproducing apparatuses. Specification, ¶ 0002. More specifically, the present application deals with situations where writing to the media is performed before the format process occurs. Specification, ¶ 0008. In these situations a defect check of an alternative destination is not conducted prior to the alternative destination being assigned due to all blocks of the Space Areas being used. Specification, ¶ 0009. Consequently, the probability of an error occurring during writing – thereby requiring an additional replacement process – increases, resulting in a reduction in formatting speed. *Id.*

Claim 1 recites “means for … selecting an alternative destination for replacing a defective portion … such that the alternative destination is selected from another alternative area on which the certify process and the verify process have already been performed.” Bish does not disclose, teach, or suggest this limitation of claim 1.

The Office Action, however, relies on FIG. 6A, Step 33 of Bish to teach an “alternative area on which the certify process and the verify process have already been performed.” Step 33 of Bish, however, discloses only that a test is conducted to determine whether a valid spare is found. Bish, col. 10, l. 24. If a valid spare is found, then the “data that was to be written to the secondary defect is instead written to the spare sector.” *Id.* at 26-28. If no valid spare is found – due to all allocated spares for the group being used – then “a spare may be located in another group.” *Id.* at 41. Bish fails to disclose, teach, or suggest that the “alternative destination is selected from another alternative on which the certify process and the verify process have already been performed” as

recited by claim 1. Accordingly, claim 1 is allowable over the cited reference. Claims 2-4 depend from claim 1, and are allowable with claim 1, and on their own merits.

Claim 5 recites “a first alternative field assigning part that assigns . . . an alternative field in another alternative area to which the format process has already been performed.” For all the reasons presented above for claim 1, Bish fails to disclose, teach, or suggest all of the limitations of claim 5. Accordingly, claim 5 is allowable over Bish. Claims 6-9 depend from claim 5, and are allowable with claim 5, and on their own merits.

Claim 10 recites “an alternative area format process part that performs a format process on the alternative areas separately from the user data areas; a formatting part that performs a format process with respect to the user data areas in a predetermined sequence with the format process in the alternative areas; a defect field detection part that detects a defect field existing in the alternative area at the time of the format process . . . before the format process is completed with respect to all the user data areas and all the alternative areas.” Bish does not disclose, teach, or suggest all of the limitations of claim 10.

The Office Action fails to deal specifically with the limitations of claim 10, making it difficult to determine which portions of the cited reference are being asserted as applicable to the claim. However, Bish only deals with formatting within a small portion of the reference. Bish, col. 6, l. 56 – col. 7, l. 5 (stating “or for formatting the medium and thus creating a DDS and PDL,” and “defective sectors listed in the PDL are sectors that were determined to be defective during a surface analysis, for example, while formatting the optical disk”). Nowhere in the reference is “perform[ing] a format process on the alternative areas separately from the user data areas,” “a format[ting] process with respect to the user data areas in a predetermined sequence with the format process in the alternative areas,” or “defect field detection . . . before the format process is completed with respect to all the user data areas and all the alternative areas” presented. Accordingly, claim 10 is allowable over Bish.

Claim 11 recites “a formatting part that performs a format process with respect to the user data areas and the alternative areas in a predetermined sequence.” For all the reasons presented above for claim 10, Bish fails to disclose, teach, or suggest all of the limitations of claim 11. Accordingly, claim 11 is allowable over Bish.

Claim 15 recites “a formatting part that performs a format process with respect to the user data areas and the alternative areas in a predetermined sequence; a defect field detection procedure that detects the defect field at the time of recording of information or the format process before the format process is completed with respect to all the user data areas and all the alternative areas; ... and a first alternative field assigning procedure that assigns ... an alternative field in another alternative area to which the format process has already been performed according to the predetermined sequence.” For all the reasons presented above for claims 1, and 10, Bish fails to disclose, teach, or suggest all of the limitations of claim 15. Accordingly, claim 15 is allowable over Bish.

Claim 16 recites “an alternative area format process procedure that performs a format process on the alternative areas separately from the user data areas; a formatting part that performs a format process with respect to the user data areas in a predetermined sequence with the format process in the alternative areas; a defect field detection procedure that detects, at the time of the format process in said alternative area format process procedure, a defect field existing in the alternative areas before the format process is completed with respect to all the user data areas and all the alternative areas.” For all the reasons presented above for claims 1, and 10, Bish fails to disclose, teach, or suggest all of the limitations of claim 16. Accordingly, claim 16 is allowable over Bish.

Claim 17 recites “a formatting part that performs a format process with respect to the user data areas and the alternative areas in a predetermined sequence.” For all the reasons presented above for claim 10, Bish fails to disclose, teach, or suggest all of the limitations of claim 17. Accordingly, claim 17 is allowable over Bish.

Claim 18 recites “performing a format process with respect to the user data areas and the alternative areas in a predetermined sequence; detecting the defect field at the time of recording of information or the format process before the format process is completed with respect to all the user data areas and all the alternative areas; … assigning … an alternative field in another alternative area on which the format process has already been performed according to the predetermined sequence.” For all the reasons presented above for claims 1, and 10, Bish fails to disclose, teach, or suggest all of the limitations of claim 18. Accordingly, claim 18 is allowable over Bish.

Claim 19 recites “performing a format process on the alternative areas separately from the user data areas; performing a format process with respect to the user data areas in a predetermined sequence with the format process in the alternative areas; detecting … a defect field existing in the alternative areas before the format process is completed with respect to all the user data areas and all the alternative areas.” For all the reasons presented above for claim 10, Bish fails to disclose, teach, or suggest all of the limitations of claim 19. Accordingly, claim 19 is allowable over Bish.

Claim 20 recites “performing a format process with respect to the user data areas and the alternative areas in a predetermined sequence.” For all the reasons presented above for claim 10, Bish fails to disclose, teach, or suggest all of the limitations of claim 20. Accordingly, claim 20 is allowable over Bish. Applicant respectfully requests that the rejection be withdrawn and the claims be allowed.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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